

EXHIBIT 5

**THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE**

ANTIGUA AND BARBUDA

CLAIM NO. ANUHCV2023/0239 and ANUHCV2023/0254

BETWEEN:

- 1. FLYING DUTCHMAN LTD.**
- 2. VITA FELICE LTD.**

Claimants/Applicants

and

- 1. THE PORT MANAGER OF THE ANTIGUA &
BARBUDA PORT AUTHORITY**
- 2. THE ATTORNEY GENERAL**

Defendants/Respondents

SETTLED DRAFT ORDER

**BEFORE : THE HONOURABLE JUSTICE RENE WILLIAMS (IN
CHAMBERS)**

DATED :	THE	12th	DAY OF	August	2024
ENTERED :	THE		DAY OF		2024

APPEARANCES: Mr. Andrew O’Kola led by Mr. Thomas Roe KC for the Claimants in both claims
Mrs. Carla Brookes-Harris, Ms. Joy Dublin, Ms. Alicia Aska, Ms. Rose-Ann Kim and Mr. Zachary Phillips led by Mr. Anthony Astaphan SC for the Defendants in both claims

UPON AN APPLICATION for an interim injunction filed by the Claimants in on 2nd July 2024 coming on for hearing on 22nd July 2024

AND UPON READING the Notice of Application and the Affidavit in support sworn to by Rocklyn Jeremiah and filed herein on 2nd July 2024

AND UPON READING the Affidavits of Mr. Darwin Telemaque and Ms. Carolyn Charles Tonge in opposition both filed herein on 19th July 2024 and the written submissions filed on behalf of the parties

AND UPON HEARING counsel for the parties

AND UPON THE COURT NOTING that the affidavits filed on behalf of the Defendant's did not disclose sufficient information concerning the sale of the M/Y Alfa Nero

AND UPON THE ORDER OF THIS COURT dated 22nd July 2024 which inter alia required the following:

2. The Defendants shall by Thursday, 25th July 2024 file an affidavit and exhibit relevant documents which provide details of the sale of M/Y Alfa Nero including the purchase price, details of whether the said price has been paid and the present location of the vessel.

AND UPON NOTING that the Defendants on 25th July 2024 filed an affidavit of Financial Secretary Ms. Rasona Davis-Crump which purports to provide the information requested pursuant to paragraph 2 of the order of 22nd July 2024

AND UPON THE COURT taking into account the duty of candour imposed on Respondents in public law proceedings (see: **Tyrone Burke v. Otto Sam** SVGHCVAP2014/0002 at paragraph 17)

AND UPON THE COURT being of the view that the affidavit of Ms. Rasona Davis-Crump does not sufficiently comply with the duty of candour in that it does not provide a balance of funds remaining after disbursements

AND UPON THE COURT NOTING that the Defendants are anxious to avoid breaching a non-disclosure agreement with the purchaser of the M/Y Alfa Nero

AND UPON THE COURT being of the view that this is an appropriate occasion to make an order for further disclosure on its own initiative pursuant to Rule 26.2(1) of the Civil Procedure Rules (Revised Edition) 2023

IT IS HEREBY ORDERED:

1. The Defendants shall file a supplemental affidavit by 16th August 2024 which shall:
 - i. Disclose the quantum of broker fees and charges referred to at paragraph 4 of the affidavit of Rasona Davis-Crump filed herein of 25th July 2024.
 - ii. Disclose details of the payments made "to cover expenses for the provision of services and supplies, maintenance and other costs and obligations associated with and incurred by the M/Y Alfa Nero" referred to at paragraph 5 of the said affidavit of Rasona Davis-Crump.

- iii. Disclose the financial institution into which the balance of the purchase price was deposited referred to at paragraph 5 of the said affidavit of Rasona Davis-Crump.
2. The Defendants are at liberty to file a notice of opposition along with evidence on affidavit opposing the disclosure ordered pursuant to paragraph 1 of this order by 16th August 2024.
3. This matter shall be listed for further hearing on a date to be notified by the court office if necessary.
4. The Defendants shall have carriage of this order.

BY THE COURT

REGISTRAR

Rene Williams
Approved
12.8.2024